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May 18, 2010

**VIA ECF AND FIRST CLASS MAIL**

The Honorable Raymond J. Dearie  
United States District Chief Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Roy Ageloff*; 98-1129S (RJD)

Dear Chief Judge Dearie:

I represent Roy Ageloff, 98-1129S (RJD), and write regarding Mr. Ageloff's scheduled June 1, 2010 assigned counsel eligibility evidentiary hearing. I ask that the Court permit me to file a motion seeking to have Mr. Ageloff's property, currently on deposit with the clerk of the court, returned to him. Mr. Ageloff has approximately \$536,000.00 on deposit with the clerk.<sup>1</sup> Mr. Ageloff's property is, at this stage, being held without legal basis, and in violation of his Fifth Amendment right to due process of law and his Sixth Amendment right to counsel of his choice. As the Court's concerns regarding Mr. Ageloff's eligibility for assigned counsel would become moot if Mr. Ageloff's property is released, I ask that the Court postpone the scheduled June 1, 2010 hearing until after the Court renders a decision on Mr. Ageloff's proposed motion seeking the return of his property.

Should the Court decline to postpone the June 1, 2010 hearing, I am asking that either the time or date be changed. I have a status conference scheduled for 9:30a.m. in state supreme court in Brooklyn on June 1<sup>st</sup>. I could potentially start the evidentiary hearing at 11:00a.m. that day, or on some other day that week.<sup>2</sup>

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<sup>1</sup> In my May 12, 2010 letter to Court I stated that Mr. Ageloff has approximately \$2.7 million on deposit with the clerk. My error was due to my misunderstanding of the government's previous representation that this amount was on deposit. Apparently, only a portion of the \$2.7 million is attributable to Mr. Ageloff.

<sup>2</sup> I have informed AUSA Spector of my scheduling difficulty and he has informed me that he cannot start the hearing at 2:30p.m. on the 1<sup>st</sup>, but is available after 3:00p.m. on the 1<sup>st</sup>, or at any other time that week. I am available that week at any time, except before 12:00p.m. on the 3<sup>rd</sup>, or before 2:00p.m. on the 4<sup>th</sup>. I am available at any time during the week of June 7<sup>th</sup>.

Honorable Raymond J. Dearie

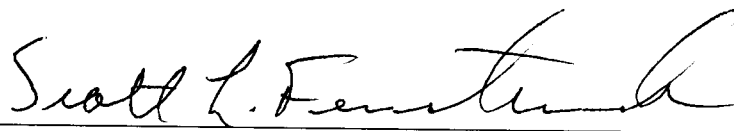
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If the Court has any questions regarding this matter, please have a member of the Court's staff contact me at any time.

Respectfully submitted,

**The Law Offices of Scott L. Fenstermaker, Esq.**

By:   
Scott L. Fenstermaker, Esq.

cc: AUSA Dan Spector (via ECF)  
Mr. Roy Ageloff (via first class mail)